



Attorney's Docket No.: 11696-047001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Mascia Art Unit
Serial No. : 10/667,295 Examiner
Filed : September 17, 2003
Title : BIOLOGICAL CONTAINMENT SYSTEM

Art Unit : 1638
Examiner : Unknown

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed June 10, 2005 (copy enclosed), applicant claims small entity status (see 37 CFR 1.27) and submits herewith the following: Transmittal of CD – Sequence Listing form; and two (2) CDs containing a sequence listing in ASCII format.

The undersigned attorney spoke by telephone with Karen Smith from OIPE on June 14, 2005 to clarify what items were needed to satisfy the requirements stated in the Notice to File Missing Parts mailed June 10, 2005. Ms. Smith indicated that Applicant should submit two CDs in ASCII format, one labeled Copy 1 and one labeled Copy 2. The enclosed CDs are believed to meet these requirements.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 11, 2005

Ronald C. Luepke

Ronald C. Lundquist, Ph.D.
Reg. No. 37,875

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
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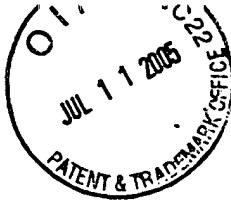
60303997.doc

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV641757480US

July 11, 2005

Date of Deposit



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TRANSMITTAL OF COMPACT DISC UNDER 37 C.F.R. § 1.52(E)

As provided under 37 C.F.R. § 1.52(e), a compact disc (designated “SEQUENCE LISTING PART”) is submitted in duplicate (designated “Copy 1” and “Copy 2”) for the above-identified non-provisional application. The disc contains a Sequence Listing submitted under 37 C.F.R. § 1.821(c).

Copy 1 and Copy 2 are identical and are of IBM-PC machine format and MS-Windows operating system compatibility. The name, date of creation, and size in kilobytes of the file contained on the disc is as follows.

SEQUENCE LISTING PART

File Name	Date of Creation	Size (kilobytes)
Sequence Listing ASCII format.txt	July 8, 2005	590

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 11, 2005

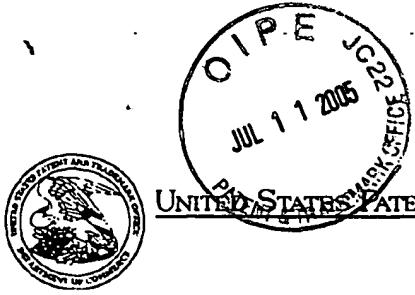
Ronald C. Lundquist
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July 11, 2005



07-12-05

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/667,295	09/17/2003	Peter N. Mascia	11696-047001

CONFIRMATION NO. 8833

26191
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

FORMALITIES LETTER



OC000000016250117

Date Mailed: 06/10/2005

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- Both of the duplicate disc(s) of a set of compact discs submitted contains unreadable files but there is a readable copy of each filed on at least one compact disc. A replacement set of duplicate discs with a readable copy of all files complying with 37 CFR 1.52(e) is required. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and the files, which are unreadable, are marked on the directory listing.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951

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- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

The following item(s) appear to have been omitted from the application:

- The office is unable to read all of the files on the compact disc(s). A new duplicate set of discs is required. This includes bad media, viruses, and unknown or corrupted file format.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- The description portion of this application contains a table consisting of less than fifty one (51) pages only on a CD-ROM or CD-R. Only a table of more than fifty-one (51) pages may be submitted as on a CD-ROM or CD-R (see 37 CFR 1.52(e)). Applicant is required to cancel the references to the CD-ROM/CD-R table appearing in the specification, file a paper version of the table in compliance with 37 CFR 1.52 and change all appropriate references to the former CD-ROM/CD-R table to the newly added paper version of the table

in the remainder of the specification.

Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Chemthas

Office of Initial Patent Examination (703) 308-1202
PART I - ATTORNEY/APPLICANT COPY

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